

August 1, 2005

Edward O. Fritts
President and CEO
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036

Dear Mr. Fritts:

On behalf of the Children's Media Policy Coalition (a coalition of child advocacy, public health, and education organizations), we are writing in response to concerns recently raised by the Ad Council in their June 6 letter to the Federal Communications Commission (FCC) regarding the newly proposed rules for advertising during children's programming.

In our years of working with the television industry, the Children's Media Policy Coalition has shared the industry's goal of creating quality children's programming. Our organizations have enjoyed successful collaborations with studio executives, the creative community, and the industry's Washington representatives. With this history in mind, the coalition was puzzled by the Ad Council's inquiry on the recent FCC Report and Order (MM Docket No.00-167). We strongly endorse the Ad Council's belief that their "PSAs and Web sites do not pose any conflict with the proposed rule." Yet, the Ad Council states that they are "receiving conflicting and potentially erroneous feedback" about how the FCC rules apply to public service announcements (PSAs). While the coalition appreciates the Ad Council's request for clarification, their letter indicates that the "conflicting and potentially erroneous feedback" they are getting is coming directly from the broadcast community.

We believe the concerns raised by the Ad Council can be easily and quickly clarified by the National Association of Broadcasters (NAB) without federal intervention. Our review of the Report and Order discovers no language that defines public service announcements as commercial matter: "Commercial matter is airtime sold for purposes of selling a product or service and promotions of television programs or video programming services other than children's educational and informational programming." We do not understand how a reasonable, good faith interpretation of this language can be construed to encompass children's public service announcements. As, no doubt, the NAB understands, there is no substantive basis for this overbroad interpretation.

We are concerned that a modest amount of small market stations may be frustrated in their attempts to air public service announcements for children

without further clarification on this matter, and that the excellent work of the Ad Council may be needlessly diminished. While the coalition appreciates the television industry's need for accurate interpretation of FCC rules, it is discouraging that this needless and unfounded inquiry distracts us all from improving the media environment for children. We would ask the NAB to take the necessary steps to clarify this matter with its members without FCC intervention. We are confident that the Ad Council's inquiry can be answered by the NAB and its counsel to the satisfaction of its membership.

Sincerely,

The Co-Chairs of the Children's Media Policy Coalition

Patti Miller – Children Now

Jeff McIntyre - American Psychological Association

Don Shifrin, MD - American Academy of Pediatrics

Cc:

Marlene H. Dortch, Secretary - Federal Communications Commission

Peggy Conlon, President and CEO - The Advertising Council